

SENATE BILL 744

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2001 Regular Session
1lr2153

By: **Senators Van Hollen, Conway, Frosh, and Middleton**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Water Conservation Act**

3 FOR the purpose of requiring certain applicants for certain water-related permits
4 and certain applicants for certain financial assistance to develop and implement
5 a certain water conservation plan; requiring review of the plan and a certain
6 report to the Department of the Environment at a certain time; requiring that
7 certain water conservation measures be included in a plan; specifying certain
8 additional measures that may be included in a plan; providing for the
9 application of this Act; requiring the Department to meet with certain persons
10 and provide for certain public participation; requiring the Department to adopt
11 certain regulations by a certain date; requiring the Department to report to
12 certain persons by a certain date; specifying a certain State policy; defining
13 certain terms; and generally relating to certain requirements regarding the
14 development and implementation of certain water conservation plans.

15 BY adding to

16 Article - Environment

17 Section 5-5B-01 through 5-5B-06 to be under the new subtitle "Subtitle 5B.

18 Maryland Water Conservation"

19 Annotated Code of Maryland

20 (1996 Replacement Volume and 2000 Supplement)

21 Preamble

22 WHEREAS, Greater efficiency in water use and conservation can reduce the
23 financial costs in treatment, storage, and transmission of water and wastewater
24 necessary for Maryland's growing population, thus making better use of the limited
25 financial resources available for improvements in these areas; and

26 WHEREAS, Data compiled by the State and published by the United States
27 Environmental Protection Agency show that nearly \$1,800,000,000 will have to be
28 invested by public water systems, wastewater treatment plants, and State agencies in
29 the next 20 years in order to accommodate growth and to improve the quality of
30 drinking water and the treatment, storage, and transmission of wastewater; and

1 WHEREAS, Improvement in efficient use of water and overall water
2 conservation measures will also limit negative environmental impacts on Maryland's
3 aquatic resources, which are associated with withdrawing surface water and
4 groundwater and discharging wastewater; and

5 WHEREAS, More efficient use of limited financial resources in improving
6 wastewater treatment will accelerate achievement of water quality goals, including
7 the goals of the Chesapeake Bay Agreements; now, therefore,

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Environment**

11 **SUBTITLE 5B. MARYLAND WATER CONSERVATION.**

12 **5-5B-01.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) "COMMUNITY WATER SYSTEM" MEANS A YEAR-ROUND SYSTEM OF
16 PROVIDING PIPED WATER FOR HUMAN CONSUMPTION TO THE GENERAL PUBLIC.

17 (C) "WATER CONSERVATION" MEANS THE USE OF PRACTICES, TECHNIQUES,
18 AND TECHNOLOGIES THAT:

19 (1) REDUCE THE CONSUMPTION, LOSS, OR WASTE OF WATER;

20 (2) IMPROVE EFFICIENCY IN THE USE OF WATER; OR

21 (3) MAKE MORE EFFICIENT USE OF THE WATER SUPPLY OR
22 WASTEWATER TREATMENT INFRASTRUCTURE.

23 **5-5B-02.**

24 IT IS THE POLICY OF THE STATE OF MARYLAND TO:

25 (1) ENCOURAGE INVESTMENT IN COST-EFFECTIVE MEASURES THAT
26 IMPROVE THE EFFICIENCY WITH WHICH WATER IS USED IN THE STATE;

27 (2) REDUCE COSTS ASSOCIATED WITH PROVIDING DRINKING WATER TO
28 THE GENERAL PUBLIC AND WITH TREATING WASTEWATER SO THAT CONSUMERS
29 REALIZE ECONOMIC SAVINGS;

30 (3) PROTECT THE STATE'S NATURAL RESOURCES, INCLUDING THE FISH
31 AND WILDLIFE OF THE POTOMAC RIVER, THE CHESAPEAKE BAY, AND ALL OTHER
32 WATERS AND WATERWAYS OF THE STATE; AND

1 (4) DETERMINE WHICH BEST MANAGEMENT PRACTICES FOR EFFICIENT
2 WATER USE AND CONSERVATION ARE OPTIMALLY INCORPORATED INTO THE
3 APPLICATION PROCESSES FOR WATER-RELATED PERMITS AND RELATED FINANCIAL
4 ASSISTANCE, AND TO ENCOURAGE VOLUNTARY ADOPTION OF BEST MANAGEMENT
5 PRACTICES WHEREVER APPROPRIATE.

6 5-5B-03.

7 (A) AN APPROVED WATER CONSERVATION PLAN SHALL BE DEVELOPED AND
8 IMPLEMENTED BY:

9 (1) A COMMUNITY WATER SYSTEM THAT SERVES A POPULATION OF AT
10 LEAST 10,000 INDIVIDUALS AS A CONDITION OF RECEIVING A NEW OR AMENDED
11 WATER APPROPRIATION PERMIT OR OF RENEWING AN EXISTING PERMIT; AND

12 (2) AN APPLICANT FOR FINANCIAL ASSISTANCE FOR A WATER OR
13 WASTEWATER PROJECT THROUGH THE MARYLAND WATER QUALITY REVOLVING
14 LOAN FUND UNDER § 9-1605 OF THIS ARTICLE OR ANY OTHER STATE FUNDING
15 SOURCE AS A CONDITION OF RECEIVING THE FINANCIAL ASSISTANCE.

16 (B) A COMMUNITY WATER SYSTEM, AN APPLICANT FOR FINANCIAL
17 ASSISTANCE, OR AN APPLICANT FOR AN NPDES PERMIT THAT DEVELOPS AND
18 IMPLEMENTS AN APPROVED WATER CONSERVATION PLAN SHALL:

19 (1) MEASURE AND EVALUATE THE EFFECTIVENESS OF THE PLAN AT
20 LEAST ONCE EVERY 5 YEARS; AND

21 (2) REPORT ITS REVIEW AND FINDINGS, INCLUDING ANY NECESSARY
22 PROPOSED REVISIONS OF THE PLAN, TO THE DEPARTMENT.

23 5-5B-04.

24 (A) A WATER CONSERVATION PLAN SHALL ADDRESS EACH OF THE
25 FOLLOWING FUNDAMENTAL WATER CONSERVATION MEASURES AND EXPLAIN HOW
26 EACH MEASURE IS TO BE IMPLEMENTED:

27 (1) A WATER MEASUREMENT AND ACCOUNTING SYSTEM THAT IS
28 DESIGNED TO MEASURE AND ACCOUNT FOR WATER CONVEYED THROUGH THE
29 DISTRIBUTION TO WATER USERS;

30 (2) AN INFORMATION AND EDUCATION PROGRAM FOR USERS THAT IS
31 DESIGNED TO PROMOTE INCREASED EFFICIENCY OF WATER USE; AND

32 (3) DESIGNATION OF A WATER CONSERVATION COORDINATOR WHO IS
33 RESPONSIBLE FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE WATER
34 CONSERVATION PLAN.

35 (B) (1) A COMMUNITY WATER SYSTEM OR AN APPLICANT COVERED UNDER
36 THIS SUBTITLE SHALL EVALUATE ADDITIONAL WATER CONSERVATION MEASURES

1 THAT MAY, INDIVIDUALLY OR IN COMBINATION, IMPROVE WATER MANAGEMENT
2 AND WATER USE EFFICIENCY.

3 (2) DEPENDING ON THE WATER SYSTEM AND ITS ASSOCIATED
4 PROBLEMS AND GOALS, ADDITIONAL WATER CONSERVATION MEASURES THAT MAY
5 BE CONSIDERED FOR INCLUSION IN A WATER CONSERVATION PLAN INCLUDE:

6 (I) AUDITS OF LARGE-VOLUME USERS;

7 (II) REUSE AND RECYCLING OF WATER FOR NONPOTABLE,
8 NONRESIDENTIAL APPLICATIONS;

9 (III) MANAGEMENT OF SYSTEM PRESSURE SO AS TO REDUCE
10 USAGE;

11 (IV) RETROFIT PROGRAMS;

12 (V) PROMOTION OF EFFICIENCY IN LANDSCAPE DESIGN AND
13 IRRIGATION TECHNIQUES;

14 (VI) WASTEWATER RECLAMATION AND RECYCLING PROGRAMS;

15 (VII) FIXTURE REPLACEMENT PROGRAMS;

16 (VIII) A WATER-PRICING STRUCTURE THAT ENCOURAGES
17 EFFICIENCY IMPROVEMENTS BY WATER USERS;

18 (IX) REBATES AND OTHER FINANCIAL INCENTIVES; AND

19 (X) ADOPTION OF LOCAL WATER-USE ORDINANCES THAT
20 ENCOURAGE WATER CONSERVATION.

21 5-5B-05.

22 THE PROVISIONS OF THIS SUBTITLE ARE APPLICABLE TO PERMIT
23 APPLICATIONS AND APPLICATIONS FOR FINANCIAL ASSISTANCE THAT ARE FILED ON
24 OR AFTER JANUARY 1, 2003.

25 5-5B-06.

26 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
27 PROVISIONS OF THIS SUBTITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
29 Environment shall:

30 (1) Meet with all interested stakeholders and members of the general public
31 and provide an opportunity for public comment regarding the formulation of
32 regulatory standards and processes for the development and implementation of
33 approved water conservation plans;

1 (2) On or before December 31, 2002, adopt the regulations required under
2 Section 1 of this Act; and

3 (3) On or before December 31, 2003, report to the Governor and, in accordance
4 with § 2-1246 of the State Government Article, the Senate Economic and
5 Environmental Affairs Committee and the House Environmental Matters Committee
6 regarding progress in State water conservation measures realized as a result of this
7 Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.